

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of Verizon Communication Inc. ("Verizon") and MCI, Inc. ("MCI") to Transfer Control of MCI's California Utility Subsidiaries to Verizon, which Will Occur Indirectly as a Result of Verizon's Acquisition of MCI.

Application 05-04-020
(Filed April 21, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING NOTING
ON NOTICE OF INTENT BY DISABILITY RIGHTS ADVOCATES**

This ruling addresses the Notice of Intent to Seek Compensation (NOI) of Disability Rights Advocates (DRA).

Timeliness of Filing

Pub. Util. Code § 1804(a)(1) provides that an NOI must be filed within 30 days after the prehearing conference. A prehearing conference was held on June 21, 2005, and DRA filed this notice on July 20, 2005. In accordance with § 1804(a)(1), DRA's NOI is timely filed.

Qualification as a Customer

DRA states that it represents the interest of residential customers with disabilities before this Commission, and it has previously been found to be eligible for intervenor compensation. (*See* Administrative Law Judge (ALJ) Ruling dated March 8, 2005, in Rulemaking (R.) 03-04-003; ALJ Ruling dated November 22, 2004, in R.04-12-001.) DRA's articles of incorporation specifically authorize DRA to represent the interest of disabled customers. DRA states that it

is the only intervenor to represent the specific interests of disabled customers, a group that DRA states will be greatly affected by the results of this merger proceeding. Pursuant to Pub. Util. Code § 1802(b) and Decision 98-04-059, DRA has demonstrated that it meets the statutory definition of a customer authorized to claim compensation.

Representation of Underrepresented Interests

DRA states that it will represent and protect the interest of disabled customers through advocacy aimed at securing the disability community's opportunity to use affordable and accessible telecommunications technology. Should the Commission approve the merger, DRA states that it will seek to ensure that disabled customers receive a portion of the 50% short- and long-term benefits pursuant to Pub. Util. Code § 854(b)(2), if that statute is deemed to apply. DRA states that it expects to conduct outreach activities to inform the disability community of the opportunity to appear at the public participation hearings scheduled in this proceeding.

Nature and Extent of Participation

To date, DRA has participated in the prehearing conference, obtained authority to intervene, and has participated in discovery. DRA states that it intends to submit expert testimony explaining how the proposed merger will impact consumers with disabilities. DRA also will participate in any hearings scheduled in this proceeding.

Estimate of Compensation

Pursuant to § 1804(a)(2)(A)(ii), DRA submitted a breakdown of the total estimated compensation of \$54,500 that it expects to request, most of it in attorney fees and expert witness fees. This ruling makes no affirmative findings regarding the reasonableness of the total or any component of the estimate.

Significant Financial Hardship

Pursuant to Pub. Util. Code § 1804(a)(2)(B), intervenors are required to demonstrate financial hardship in their request for a finding of eligibility or at the time they file a request for an award. DRA notes that the Commission previously has ruled that DRA's participation would cause it significant financial hardship. (*See* ALJ Ruling dated March 8, 2005, in R.03-04-003; ALJ Ruling dated November 22, 2004 in R.04-12-001.) DRA states that it represents the interests of more than six million disabled Californians. As a non-profit organization, DRA does not accept fees from its clients and receives no government funding. DRA relies primarily upon awards of attorneys' fees in litigation, as well as donations from private individuals, private foundations and corporate contributions. Based on its showing in the NOI, DRA's participation in this proceeding represents a significant financial burden. No further showing of hardship is necessary.

IT IS RULED that Disability Rights Advocates is eligible to file for an award of intervenor compensation at the conclusion of this proceeding.

Dated August 12, 2005, at San Francisco, California.

/s/ GLEN WALKER

Glen Walker

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent by Disability Rights Advocates on all parties of record in this proceeding or their attorneys of record.

Dated August 12, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.